

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original ( ) Supplemental ( ) Substitute (X) PCT ( ) Design

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: METHOD FOR PRODUCING OPTICALLY ACTIVE COMPOUNDS

of which is described and claimed in:

( ) the attached specification, or

(X) the specification in the application Serial No. \_\_\_\_\_ filed June 8, 1998;  
and with amendments through June 8, 1998 (if applicable), or(X) the specification in International Application No. PCT/JP96/03573, filed December 6, 1996, and as amended  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| COUNTRY | APPLICATION NO. | DATE OF FILING   | PRIORITY CLAIMED |
|---------|-----------------|------------------|------------------|
| Japan   | 318303/1995     | December 6, 1995 | Yes              |
| Japan   | 318304/1995     | December 6, 1995 | Yes              |
| Japan   | 284233/1996     | October 25, 1996 | Yes              |
|         |                 |                  |                  |
|         |                 |                  |                  |

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | U.S. FILING DATE | STATUS: PATENTED, PENDING, ABANDONED |
|------------------------|------------------|--------------------------------------|
|                        |                  |                                      |
|                        |                  |                                      |
|                        |                  |                                      |

And I hereby appoint John T. Miller, Reg. No. 21,120; Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Noltan, Reg. No. 25,408; Warren M. Cheek, Jr., Reg. No. 33,367; Nils E. Pedersen, Reg. No. 33,145; and, Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P. jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from NISHIZAWA & ASSOCIATES as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date June 8, 1998  
 Applicant Reference Number 96-F-037PCT-US Atty Docket No. 653/96F037PCT  
 Title of Invention METHOD FOR PRODUCING OPTICALLY ACTIVE COMPOUNDS